



Canadian Ski Instructors' Alliance

WORKPLACE HARASSMENT POLICY AND PROGRAM

Policy Owner: Director of Shared Services

Policy Approver: National Board of Directors

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1. INTRODUCTION

The Canadian Ski Instructors' Alliance ("CSIA") is committed to providing a work environment in which all workers are treated with respect and dignity. Workplace harassment, which includes bullying, will not be tolerated from any person in the workplace.

CSIA Contractors, Course Conductors and Employees are entitled to an environment free of harassment and abuse of any kind. When a person is harassed in the workplace, the victim suffers but so do the victim's colleagues, the morale of the team and in turn, the organization. The individual who is guilty of harassment is putting his or her career in jeopardy, and may be creating liabilities for their employer. The situation typically gets worse if the harassment is tolerated.

Preventing harassment in the workplace is everyone's business. Aside from being sensitive to offensive conduct, every employee, contractor and Course Conductor has a duty to help ensure that there is a climate of trust and mutual respect.

As a national organization in Canada, the CSIA values and supports diversity and inclusion. This is not only important from a human rights perspective, but it also creates significant rewards for members of an organization that fosters a sense of belonging for those associated with it.

The CSIA is committed to providing a working and learning environment free from harassment and discrimination and will make every reasonably practicable effort to ensure that no worker is subjected to harassment. All employees, contractors and Course Conductors are to be treated with respect and dignity. Each individual has the right to work and learn in an environment atmosphere that nurtures diversity, equal opportunity and prohibits discriminatory practices.

It is CSIA's policy to address incidents of harassment and discrimination with seriousness and sensitivity. Any violation of this Policy may result in discipline, termination, or other consequences, depending upon the circumstances involved.

2. SCOPE

This Workplace Harassment Policy (the “Policy”) applies to “workers”, which includes, in the context of the Policy, a person who performs work or supplies services to the CSIA.

More specifically, this policy applies to Contractors, Course Conductors and/or Employees within the CSIA working and training environments.

The Policy applies to harassment and/or discrimination in any aspect of employment, including, but not limited to, recruitment, promotion, receipt of benefits, dismissal, layoff, performance evaluation, and working conditions. All workers must be treated equally regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, nationality, creed, religion, religious beliefs, sexual orientation, gender, gender identity, gender expression, age, record of offences, marital status, family status, economic status, source of income, physical disability, mental disability, physical size or weight, physical appearance, political belief, political association or political activity or any other prohibited ground of discrimination, or any other prohibited ground of discrimination under applicable law.

The Policy will be enforced on CSIA premises and where activities related to the business of CSIA take place. These include, but are not limited to:

- Activities within offices and other CSIA property;
- Events associated with CSIA and including outside activities; or
- Work situations outside of CSIA-operated premises, including external work assignments, work-related conferences, and training sessions.

3. OBJECTIVE

Workplace harassment, including psychological, and workplace sexual harassment are unacceptable and are prohibited at CSIA. Harassment and sexual harassment are against the law, and all workers have a responsibility to conduct themselves accordingly.

The purpose of this policy is to provide a mechanism for Contractors, Course Conductors and Employees to deal with conduct that may constitute harassment. This is to ensure that such behaviour does not occur at any CSIA program/activity, or within its National Office.

4. DEFINITIONS

a. Workplace Harassment

Workplace Harassment is defined as follows:

- Engaging in a course of inappropriate or vexatious comment or conduct against a

worker in a workplace that is known or ought reasonably to be known to be unwelcome, or

- Any inappropriate conduct, comment, display, action or gesture by a person that:
 - Is based on race, ancestry, place of origin, colour, ethnic origin, citizenship, nationality, creed, religion, religious beliefs, sexual orientation, gender, gender identity, gender expression, age, record of offences, marital status, family status, economic status, source of income, physical disability, mental disability, physical size or weight, physical appearance, political belief, political association or political activity or any other prohibited ground of discrimination, or
 - adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated, or
 - constitutes a threat to the health or safety of the worker; or

- Workplace sexual harassment (defined below).

Workplace harassment includes bullying. Reasonable action taken by the employer relating to the management and direction of workers or the workplace is not workplace harassment. The normal exercise of supervisory responsibilities, including scheduling, training, evaluation counseling and discipline when warranted, does not constitute workplace harassment.

While harassment is usually based on an ongoing pattern of conduct, in some instances a single incident can be sufficiently serious to constitute harassment.

Harassment can also be psychological when a vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, affect the worker's dignity or psychological or physical integrity and that results in a harmful work environment. A single serious incidence of such behaviour that has a lasting harmful effect on a worker may also constitute psychological harassment.

Applicable human rights legislation generally defines "harassment" the same way, and provides that every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, nationality, creed, religion, religious beliefs, sexual orientation, gender, gender identity, gender expression, age, record of offences, marital status, family status, economic status, source of income, physical disability, mental disability, physical size or weight, physical appearance, political belief, political association or political activity, or any other prohibited ground of discrimination under applicable law.

It is important to recognize that ski instruction can include physical and verbal interactions that, without proper communication, may create unintended discomfort or embarrassment, and which may even be experienced as harassment in some circumstances. It is critical to ask permission before physically touching any student in any way. Course Conductors in particular must be acutely aware of their actions and behaviour when teaching and evaluating members of the organization.

b. Workplace Sexual Harassment

Workplace sexual harassment means:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

Applicable legislation, whether human rights or employment standards, also expressly prohibits harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by his or her employer or agent of the employer or by another employee.

c. Examples of Workplace Harassment

Examples of workplace harassment include, but are not limited to:

- Workplace bullying or aggressive behaviour, which includes making rude, degrading or offensive remarks, discrediting a person, spreading rumours, ridiculing a person, humiliating a person, calling into question their convictions or their private life, or shouting abuse.
- Sexual or racial harassment or harassing someone based on any ground prohibited by human rights legislation, including race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
- Refusing to speak to or work with someone or treating that person differently because of their race, ancestry, place of origin, colour, ethnic origin, citizenship,

creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

For Course Conductors, the CSIA Code of Conduct, Professionalism in Course Conducting sets out additional professional obligations. In some circumstances, breach of these obligations may also constitute workplace harassment or workplace sexual harassment. These duties include, but are not limited to:

- Being acutely aware of the power in relationships between you, the Course Conductor, and the course participant;
- Avoiding sexual intimacy, both during the program session and that period following the session, when imbalance in power could jeopardize effective decision-making;
- Abstaining from and refusing to tolerate in others all forms of harassment, including sexual harassment; and
- Recognizing and addressing harmful personal practices of others in the sport, such as drug and alcohol use/addiction, physical and mental abuse, and misuse of power.

5. ROLES & RESPONSIBILITIES; PROCESS & PROCEDURES

a. Duties of Management

Management will provide all workers with information and instruction that is appropriate in the circumstances regarding the contents of this Policy and the CSIA Workplace Harassment Program.

Management will also ensure that:

- An investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances;
- Where harassment has been substantiated, CSIA will take appropriate corrective action to resolve the complaint; and
- The worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of CSIA, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

b. Duties of Workers

To ensure that the Policy is adhered to, all workers are expected to:

- Treat everyone in the workplace with dignity and in a manner that is respectful and free of intimidation and harassment;
- Make changes to their own behaviour where they become aware that there is a potential for such behaviour to harm, intimidate, threaten or cause offence to others;
- Refuse to accept harassing behaviour from others, regardless of whether that behaviour originates from one's supervisor or co-workers, family members, or a member of the public;
- Intervene and/or report instances of inappropriate behaviour on the part of others which could amount to workplace harassment;
- Be supportive of others who are victims of workplace harassment;
- Cooperate fully with a workplace harassment investigation; and
- Preserve evidence related to instances of alleged workplace harassment, documenting dates, times and the names of any witnesses.

For clarity, nothing in this policy requires a victim of workplace harassment to ask the alleged harasser to stop the behaviour prior to filing a complaint.

6. REPORTING WORKPLACE HARASSMENT

All workers must remain vigilant about harassment. Any workers who are aware of, or have cause to be concerned about, workplace harassment or sexual harassment should report such incidents to CSIA, their supervisor, or the Human Resources department. Complaints may also be submitted in writing to the CSIA Disciplinary Committee, Canadian Ski Instructors' Alliance 401-8615 St-Laurent Blvd.

Reports can be made either verbally or in writing. Reports should be made as soon as reasonably possible given the circumstances of the incident. Anyone with a potential complaint may contact the CSIA directly to seek advice if they are unsure of what to do.

CSIA will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner. Efforts will be made to deal with and resolve a

suspected violation locally and/or regionally before the involvement of a national body (CSIA) is requested. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law. CSIA will also document the incident in writing.

All workers are expected to adhere to this Policy, and will be held responsible for not following it. Workers may be subject to disciplinary action up to and including termination for cause, or other penalties that are appropriate in view of the individual's relationship to the CSIA. CSIA will treat any report of harassment or discrimination as a serious matter, and will respond in a timely fashion. The Disciplinary Sub-Committee of the CSIA Board of Directors shall consider cases of suspected breach of CSIA Code of Ethics, in accordance with applicable CSIA policies and procedures.

7. PRIVACY AND CONFIDENTIALITY

CSIA is committed to maintaining the privacy and confidentiality of information obtained about an incident or complaint of workplace harassment, including individual identifying information, unless disclosure is necessary for the purposes of investigating or taking corrective action, or unless disclosure is otherwise required by law.

8. REPRISAL; FALSE AND UNSUBSTANTIATED COMPLAINTS

No disciplinary action or reprisal can be made against a complainant who acts in good faith and exercises his or her rights under this Policy and under the law, even if the complaint turns out to be false, impossible to verify or if the behaviour complained does not amount to harassment or discrimination. However, a false accusation made by a person who knows it to be false represents a contravention of this Policy and may be subject to disciplinary action up to and including termination for cause, or other penalties that are appropriate in view of the individual's relationship to the CSIA.

9. WORKPLACE HARASSMENT PROGRAM

(See attached Schedule "A" for the complete investigation procedure.)

The investigator will, to the extent reasonably practicable, interview all witnesses to the incident or potential incident, or any individuals having information pertaining to the incident or threat of Workplace Harassment or Workplace Sexual Harassment. The investigator will interview the person alleged to have caused or threatened the Workplace Harassment or Workplace Sexual Harassment and provide him or her with sufficient information and facts regarding the complaint in order to be able to respond to the allegations. In the event that the investigator, despite reasonable efforts, is unable to interview all parties with information regarding the complaint, the investigator shall

proceed with the investigation and make findings of fact and recommendations based on the information available to the investigator at the time. The investigator will provide a written report to management as to his or her findings from the investigation into the complaint. CSIA management designate charged with responsibility over the complaint will review the investigation report and seek such clarification as he or she may require in order to draw conclusions and prepare action items resulting from the investigation, including the imposition of changes within the workplace or discipline. Any worker found to have made a false complaint or interfered with the investigation may also be subject to mandatory training, changes to their duties or responsibilities or discipline.

Mandatory training, changes to duties or responsibilities, or discipline arising out of the investigation into a complaint or report of Workplace Harassment or Workplace Sexual Harassment may include any of the following outcomes:

1. Warning;
2. Suspension - with or without pay;
3. Prohibition from engaging in similar acts or conduct in the future;
4. Mandatory training or participation in a program to address and correct the offensive act or conduct;
5. Termination of employment - with or without just cause;
6. Transfer or change in job assignment, including demotion, with or without changes in remuneration or benefits;
7. Restriction of authority;
8. Imposition of terms and conditions to maintain employment; or
9. Any other action CSIA deems appropriate in the circumstances.

CSIA's decision with respect to the outcome of the investigation and any steps taken in response is final.

10. POSTING AND AMENDMENT

This Policy will be posted at a conspicuous place in the workplace. This Policy will be reviewed as often as is necessary, but at least annually.

SCHEDULE "A"

Investigation Procedure Workplace Harassment Policy

1.1 Definitions

For the purposes of this procedure:

- (a) "Complainant" means the person who makes a report or brings forward a complaint of Workplace Harassment or Workplace Sexual Harassment as such terms are defined in CSIA's Policy (collectively referred as "**Workplace Misconduct**"), and includes a person directly affected by the alleged conduct or a third party;
- (b) "Respondent" means the person against whom a complaint of Workplace Misconduct has been made;

1.2 Initial Action By Complainant

A Complainant who considers that he or she has been subjected to Workplace Misconduct should seek the advice and assistance of an Adviser at the earliest possible time.

Advisers are:

- For program delivery related activities the advisers are the Managers East and West or the next level of unaffected authority
- For staff positions the advisers are the immediate supervisors or the next level of unaffected authority

1.3 Meeting with an Adviser

The Adviser will provide a copy of the Policy to the Complainant and advise the Complainant of:

- (a) The right to lay a formal written complaint under this Policy when the Respondent is a worker of CSIA;
- (b) The availability of counselling, medical assistance, and other support services;
- (c) The right to withdraw from any further action in connection with the complaint at any stage (even though CSIA may continue to investigate the complaint and take further action to resolve issues of Workplace Misconduct that have been identified as a result of the complaint);

- (d) Other avenues of recourse such as the right to file a complaint with the occupational health and safety or human rights organizations in the worker's province of employment, or, where appropriate, the right to lay an information with law enforcement under the *Criminal Code*; and
- (e) The time limits which apply to this Policy and which may apply to such other avenues of recourse.

1.4 Outcomes to Meeting with Adviser

Where the Respondent is a worker of CSIA, there are three possible outcomes following a complaint of Workplace Misconduct or Workplace Harassment:

- (a) **Where the Complainant and Adviser agree that the conduct does not constitute Workplace Misconduct:**

If the Complainant and the Adviser, after discussing the matter, agree that the conduct in question does not constitute Workplace Misconduct as defined in this Policy, the Adviser will take no further action.

- (b) **Where the Complainant brings forward clear evidence of Workplace Misconduct but does not wish to lay a formal written complaint:**

It may happen that a Complainant (or a third party) brings to the attention of the Adviser facts which constitute clear evidence of Workplace Misconduct, but after discussion with the Adviser, the Complainant decides not to lay a formal written complaint. In that case, the following steps may be taken:

- (i) The Complainant may request that the Adviser speak to the Respondent with a view to encouraging the Respondent to apologize to the Complainant for the conduct complained of and/or to obtain an assurance from the Respondent that the conduct complained of will not be repeated, require the Respondent to participate in training related to the acts complained of, or take such other steps related to correcting the behaviour; but thereafter proceed no further with a formal investigation into the complaint, (if the Adviser and CSIA agree); or
- (ii) The Adviser, having received clear evidence of Workplace Misconduct, may decide to lay a formal complaint even if the Complainant does not wish to lay a complaint; or
- (iii) The Adviser will make record of what was said to the Respondent regarding the allegation of Workplace Misconduct and the record will be filed in the Respondent's personnel file.

Where the Complainant does not wish to lay a formal complaint but the Adviser decides that the evidence and the surrounding circumstances are such as to require the laying of a formal complaint, the Adviser will:

- (iv) issue a formal written complaint signed by the Adviser;
- (v) provide a copy of the complaint to the Respondent and the Complainant; and
- (vi) provide a copy of the complaint to the designated next level of unaffected authority for review.

The designated next level of unaffected authority will review the complaint and determine whether an investigation will be undertaken under Section 1.5.

(c) **Where the Complainant decides to lay a formal complaint:**

If the Complainant, after meeting with the Adviser, decides to lay a formal complaint, including the situation where the Adviser is of the view that the conduct in question does not constitute Workplace Misconduct, the Adviser will:

- (i) assist the Complainant with the drafting of a formal written complaint, setting out the time, date, location of the incident or risk of an incident, names of witnesses to the matter and any other pertinent facts to be considered. The Complainant must sign the complaint indicating that the facts set out in the complaint are accurate, to the best of the Complainant's knowledge, and provide the complaint to the Adviser;
- (ii) provide a copy of the complaint to the Respondent and to the Complainant and advise each party as to confidentiality regarding their participation in the complaint process; and
- (iii) file the complaint with the designated next level of unaffected authority.

1.5 Investigation of a Complaint

- (a) When the Adviser provides a copy of the complaint to the Respondent, the Adviser will include, with the complaint, a copy of CSIA's Workplace Misconduct and Harassment Policy.
- (b) The Adviser may, if the Complainant and Respondent each consent, seek an early resolution meeting with a view to obtaining a resolution directly

between the parties and satisfactory to the Complainant, without further steps being taken in the investigation. The Adviser will advise both parties that, even if the matter is resolved between the parties, CSIA nonetheless has the discretion under this Policy to take further steps to proceed with a formal investigation and to take whatever action is appropriate in the circumstances.

- (c) CSIA will ensure that every complaint that does not settle at a resolution meeting is investigated and, where appropriate, take action, including, but not limited to: making changes to the workplace, requiring parties to complete training, and imposing discipline.
- (d) An investigation under this Policy will be undertaken by a person, or persons, appointed by CSIA (the "Investigator"). The Investigator may be a worker of CSIA or an independent third party, depending on the circumstances. An Adviser who participated in any attempts to have the parties resolve the complaint through reconciliation will not undertake an investigation of that complaint. Investigators will have the authority to make findings on the facts as discovered from the Complainant, the Respondent, the Adviser, any witnesses or other sources of information. The Investigator shall report his or her findings and recommendations as a result of the investigation to the person designated by CSIA as having decision making authority on the resolution of the complaint. CSIA will make a finding of whether Workplace Misconduct has been proven on the balance of probabilities, and the action, if any, to be taken, in accordance Section 1.8 herein.
- (e) Where CSIA makes a finding that an incident of Workplace Misconduct or Workplace Harassment has occurred or that there is a serious risk of such an incident occurring in the future, a copy of the complaint and the outcome of the investigation, including any action to be taken, will be filed in the personnel file of the Respondent. CSIA may take any steps it deems reasonable and appropriate with respect to the manner of the filing of records relating to the Workplace Misconduct complaint, having regard to the privacy and confidentiality of the material contained in the investigation records to be filed on the Respondent's personnel file, including filing only a summary of the decision and discipline. All correspondence and other documents generated under these procedures must be marked "PRIVATE AND CONFIDENTIAL" and be stored in a locked and secure file in the Human Resources Department.
- (f) Where the investigation results in a finding that the complaint of Workplace Misconduct has not been proven, no record of the complaint shall be kept in the personnel file of the Respondent.

- (g) The Complainant and the Respondent, if a worker of CSIA, will be informed of the outcome of the investigation and, where appropriate, the nature of any action taken by CSIA, having regard to the legitimate privacy interests of the Respondent. Follow-up possibilities include, but are not limited to:
 - (i) Counselling for the parties;
 - (ii) application of strategies to restore a positive working environment;
 - (iii) mediation;
 - (iv) specific training for the complainant or respondent;
 - (v) workshops for the staff and/or others in the workplace regarding their rights and responsibilities;
 - (vi) separation of respondent and complainant from each other; and/or
 - (vii) restorative measures.
- (h) CSIA may also impose discipline as appropriate and consistent with the circumstances, up to and including termination (i.e. without notice or payment in lieu of notice or any other severance payment whatsoever). For non-employee respondents, action will be determined as appropriate in the circumstances and based on remedies available under the common law or applicable legislation.
- (i) If the Complainant is not satisfied with the outcome of the investigation, the Complainant will be reminded of the existence of complaint processes through the relevant human rights and occupational health and safety organizations in the province.

1.6 **Third Party Complaint Procedure**

Where an worker believes that a co-worker, customer or service provider has experienced, or is experiencing, Workplace Misconduct (or retaliation for having brought forward a complaint of Workplace Misconduct) and reports this belief to an Adviser, the Adviser shall meet with the person who is said to have been subjected to Workplace Misconduct and shall then proceed in accordance with Section 1.3 herein.

1.7 Workplace Misconduct by Others (Non-Workers)

A worker of CSIA who considers that he or she has been subjected to Workplace Misconduct by a person who is not a worker of CSIA should seek the advice of an Adviser.

The Adviser will consult with the designated next level of unaffected authority and thereafter take such action as is reasonable and appropriate to ensure that CSIA fulfills its responsibility to support and assist its workers in keeping with this Policy.

1.8 Action by CSIA Following a Finding of Workplace Misconduct and/or Workplace Harassment

If a complaint is substantiated following an investigation under this Policy, CSIA will take appropriate action against the worker of CSIA who violated this Policy. The exact nature and extent of the action taken will be determined based upon the seriousness of the offence and the steps taken by the Respondent to remedy or apologize for the misconduct. Any action taken under this Policy, including discipline, is at the sole discretion of CSIA. The action taken may include a range of any or all of the following:

- (a) Warning;
- (b) Suspension with or without pay;
- (c) Prohibition from engaging in similar acts or conduct in the future;
- (d) Mandatory training or participation in a program to address and correct the offensive act or conduct;
- (e) Termination of employment with or without just cause;
- (f) Transfer or change in job assignment, including demotion, with or without changes in remuneration or benefits;
- (g) Restriction of authority;
- (h) Imposition of terms and conditions to maintain employment; or
- (i) Any other action CSIA deems appropriate in the circumstances.

1.9 Frivolous, Malicious or Vexatious Complaints

CSIA will not condone frivolous, malicious or vexatious complaints. A worker who makes a frivolous, malicious and/or vexatious complaint may be subject to action in accordance with Section 1.8 of this Procedure. In the event that CSIA finds a complaint to be frivolous, malicious and/or vexatious in intent, a record of same may be filed in the personnel file of the Complainant.

1.10 Time Limit for Filing a Complaint

A complaint under this Policy must be filed within a reasonable time following the occurrence of the event. CSIA adopts a twelve (12) month time frame for the filing of a complaint under this Policy. Unless otherwise prescribed by law, CSIA will have no obligation to deal with a complaint when facts upon which the complaint are based occurred more than twelve (12) months prior to the date the complaint is filed. CSIA, exercising its sole and absolute discretion, is not precluded from invoking this Policy for matters that occurred more than twelve (12) months prior to the date the complaint is filed.